

ANTHONY D. MARTIN, PCAttorney and Counselor at Law7501 Greenway Center Drive
Greenbelt, MD 20770

(301) 220-3700

(301) 220-0791 (fax)

November 7, 2011

Leary Reed Goodwin
USP Allenwood, ID No. 17219-037
Post Office Box 3000
White Deer, PA 17887Re: *Goodwin v. United States*
Case Nos.USCA 07-4059;
USDC 04-cr-00235-RWT-1

Dear Mr. Goodwin:

I regret to advise you that we were unsuccessful in your appeal. Attached to this missive you will find a copy of the Court's Judgment Order dated November 2nd, 2011. (Atch 1). In addition, you will find a copy of the Notice of Judgment and the Unpublished Opinion of the Court. (Atchs 2 & 3 respectively). Finally, you will find a Certiorari Status Form which may have already been sent to you by the Circuit Court. (Atch 4)

Although you have lost your appeal it is my duty to advise you that you have the right to file a writ of certiorari with the United States Supreme Court. Should you decide to do so, the petition for writ must be filed within ninety (90) days of the mandate issued by the United States Court of Appeals. While you have this right, it is my professional opinion that the petition has little chance of being granted

My opinion is based on Rule 10 of the United States Supreme Court. This rule lists the considerations of the Court in deciding whether to grant review. (Atch 5). Unfortunately, your case does not present a compelling reason in the way of a novel or complex issue. Nor will it resolve a conflict of decisions amongst the various circuits. . The major issue in your case was decided earlier this year in the case of *DePierre v. United States*. There are no other issues in your case that warrant review by the high court.

Though you may not have the basis for a winning case on the record, you may be able to develop one through a motion filed under 28 USC §2255. The post-conviction proceeding under §2255 allows the movant to present facts and circumstance occurring outside of the courtroom that impacted on the proceeding. Although one is not entitled to an attorney under §2255 one may be appointed at the discretion of the court under 18 USC §3006A. Please bear in mind that you must file the petition within one (1) year of the date of your conviction.

Should you have any question upon receipt of this letter please don't hesitate to call me. Should you decide to write please take note of my new mailing address which appears on the letterhead.

Sincerely,

Anthony D. Martin

ADM

Enc.

1. 02Nov11 Judgment
2. Notice of J/M
3. Unpub Opinion
4. Certiorari Status Form
5. Rule 10 US S.Ct